

1 **BY COUNCIL MEMBER FRALICK (Case No. TND-1-15)**

2
3 **CITY OF CENTRAL**
4 **PROPOSED ORDINANCE NO. 2015-__**
5

6 **TO GRANT A CONDITIONAL USE PERMIT AND FINAL PLAN APPROVAL FOR A**
7 **TRADITIONAL NEIGHBORHOOD DEVELOPMENT LOCATED ON THE WEST**
8 **SIDE OF SULLIVAN ROAD SOUTH OF THE WAX ROAD INTERSECTION NEAR**
9 **THE BRENT AVENUE INTERSECTION**
10 **(THE SETTLEMENT ON SHOE CREEK)**
11

12 WHEREAS, application has been made by Shoe Creek, LLC, for a conditional use permit
13 and approval of a Final site plan for a Traditional Neighborhood Development including a
14 waiver to the residential density restrictions pursuant to Chapter 14 of the City of Central
15 Comprehensive Zoning Code on an approximately 135.3 acre site that is currently zoned R-1, R-
16 2 and B-4 and is designated Medium Density Residential, Low Density Residential, Restrictive
17 Greenspace, and General Commercial land use in the Master Plan; and
18

19 WHEREAS the development is proposed to include 447 single family detached and
20 attached residential lots, 250 multifamily residential units and 100,000 square feet of commercial
21 space; and
22

23 WHEREAS, subject to the conditions set forth in this ordinance, the proposed Traditional
24 Neighborhood Development is consistent with the zoning and uses of surrounding properties and
25 the Master Plan and is suitable for the purposes for which it is to be developed; and
26

27 WHEREAS, a public hearing was held on June 25, 2015 before the City of Central
28 Zoning Commission; and
29

30 WHEREAS, the Zoning Commission recommended approval of the Final Development
31 Plan subject to certain conditions.
32

33 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Central, State of
34 Louisiana as follows:
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36 **Section 1:** That the property that is the subject of this Ordinance is legally described
37 in Exhibit A attached hereto and made a part hereof.
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39 **Section 2:** That the subject property is hereby granted a conditional use permit and
40 approval of the Final Development Plan for the Traditional Neighborhood Development
41 proposed, including a waiver to the residential density restrictions, subject to the terms and
42 conditions set forth in this Ordinance. Such documents and modifications thereto which
43 condition this approval and to which the development is subject are the following:

1. Final Development Plan for the Settlement On Shoe Creek, dated June 5, 2015, Sheets 1-12, by Southern Lifestyle Development Co., LLC.
2. Letter to Woodrow Muhammad, AICP, Planning and Zoning Director, from Prescott Bailey, Southern Lifestyle Development Co., LLC, dated June 10, 2015.

Section 3: Approval of the conditional use permit and Final Development Plan is further subject to the following terms and conditions:

1. All buildable lots shall further conform to the TND Ordinance at permitting.
2. Signage and lighting plans shall be submitted with the constructions plans for further review.
3. Sewer servitudes shall be dedicated between designated lots or along boundary lines to adjoining properties to allow for future connections to public sewer.
4. All future final plats shall comply with applicable DRC comments. (See Attachment B)
5. Additional Access: No final plan approval may be granted for any of the commercial space or multifamily residential units unless the proposed final plan for that phase includes the construction of at least two access points – one to Sullivan Road and the other connecting the phase to Wax Road (or to an earlier phase that has a connection to Wax Road) and/or no occupancy shall be granted for a Phase 1 building lot until a secondary access is secured as proposed in the Final Development Plan.
6. Sagebrush Avenue: No construction traffic shall use Sagebrush Avenue. The applicant shall assure that all construction contracts for any phase of the development include a prohibition on the use of Sagebrush Avenue.
7. Sagebrush Avenue: The paved roadway connecting the Shoe Creek development should not be dedicated as a public street; therefore allowing bollards to be used across that surface that would allow foot traffic and bicycle traffic from Morgan Place into Shoe Creek and vice versa.
8. Any major changes as defined by Code, Council and/or the Zoning Commission shall be subject to Planning Commission approval especially with respect to Phase 3 (West of Shoe Creek) connectivity to Sagebrush Avenue and/or the extension to Wax Road.

Section 4: The specific terms and conditions of this Ordinance shall prevail against other ordinances of the City to the extent that there may be any conflict. Except for the foregoing, the development of the subject property is subject to the terms of all applicable ordinances and regulations of the City of Central, including any amendment thereto.

Section 5: Severability. If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the

1 part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of
2 invalidity and shall remain in force and effect.

3
4 **Section 6.** Effective Date. This Ordinance shall be effective upon publication.

5
6 Introduced before the Council on 14th day of July, 2015.

7
8 This Ordinance having been submitted to a vote, the vote thereon was as follows:

9
10 For:

11 Against:

12 Absent:

13 Recused:

14
15 Adopted the ____ day of ____, 2015.

16
17 Signed the ____ day of ____, 2015.

18
19 Delivered to the Mayor on the ____ day of ____, 2015.

20
21 _____
22 Mark Miley, City Clerk

23
24 Approved:

25
26 _____
27 I.M. Shelton, Jr. Mayor

28
29 Received from Mayor on the ____ day of ____, 2015:

30
31 _____
32 Mark Miley, City Clerk

33
34 Adopted Ordinance published in The Advocate on the ____ day of ____, 2015

EXHIBIT A

Legal Description:

All or part of four certain tracts of land situated in Sections 68 and 69, Township 6 South, Range 2 East, City of Central, East Baton Rouge Parish, Louisiana, containing 135.29 acres, being labeled as The Settlement on Shoe Creek and being more fully described as follows:

Parcel No. 1, All of two undivided tracts of property owned by William Rufus Davis Gervasi, ET AL containing 102.21 acres more or less, being a certain parcel or tract of land taken from a larger tract, said larger tract being The Ruby Lee Carpenter Property (Eisworth Tract) and The Walter L. Vaughn Property (Vaughn Tract) and being shown on a map by Joffrion Associates, Inc., and recorded as EBRP Original 915, Bundle 9285;

Parcel No. 2, A 18.05 acre portion of the 20.83 acre undivided tract of property owned by R. Gene Cobb, being a certain parcel or tract of land taken from a larger tract, in Section 68 and 69, T6S-R2E, and being shown on a map dated December 9, 1963 by Alvin M. Bridges, C.E., and recorded as EBRP Original 651 Bundle 6535;

Parcel No. 3, A 15.02 acre portion of Tract-1 owned by Walter J. Vaughn, containing 15.90 acres more or less, situated in Section 68, T6S-R2E, G.L.D., East Baton Rouge Parish, State of Louisiana, and being a portion of the Quentin Bourke Tract, more particularly shown by that map of survey entitled "Map Showing Subdivision of A Certain 20.90 Acre Tract, Formerly The Quentin Bourke Tract into Tracts 1 & 2, Located in Section 68, T6S-R2E, G.L.D. ;City of Central, East Baton Rouge Parish, Louisiana for Darrin Vince" dated July 9, 2013 by Alvin Fairburn, Jr., P.L.S., a copy of which is filed and record as EBRP Original 129 Bundle 12513.